

Effective 7/1/2015

53-3-221 Offenses that may result in denial, suspension, disqualification, or revocation of license -- Additional grounds for suspension -- Point system for traffic violations -- Notice and hearing -- Reporting of traffic violation procedures.

- (1) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may deny, suspend, disqualify, or revoke the license or permit of any person without receiving a record of the person's conviction of crime when the division has been notified or has reason to believe the person:
- (a) has committed any offenses for which mandatory suspension or revocation of a license is required upon conviction under Section 53-3-220;
 - (b) has, by reckless or unlawful driving of a motor vehicle, caused or contributed to an accident resulting in death or injury to any other person, or serious property damage;
 - (c) is incompetent to drive a motor vehicle or mobility vehicle or has a mental or physical disability rendering it unsafe for the person to drive a motor vehicle or mobility vehicle upon the highways;
 - (d) has committed a serious violation of the motor vehicle laws of this state;
 - (e) has knowingly committed a violation of Section 53-3-229; or
 - (f) has been convicted of serious offenses against traffic laws governing the movement of motor vehicles with a frequency that indicates a disrespect for traffic laws and a disregard for the safety of other persons on the highways.
- (2)
- (a) The division may suspend the license of a person under Subsection (1) when the person has failed to comply with the terms stated on a traffic citation issued in this state, except this Subsection (2) does not apply to highway weight limit violations or violations of law governing the transportation of hazardous materials.
 - (b) This Subsection (2) applies to parking and standing violations only if a court has issued a warrant for the arrest of a person for failure to post bail, appear, or otherwise satisfy the terms of the citation.
 - (c)
 - (i) This Subsection (2) may not be exercised unless notice of the pending suspension of the driving privilege has been sent at least 10 days previously to the person at the address provided to the division.
 - (ii) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of a suspension that occurred as a result of failure to comply with the terms stated on a traffic citation.
- (3)
- (a) The division may suspend the license of a person under Subsection (1) when the division has been notified by a court that the person has an outstanding unpaid fine, an outstanding incomplete restitution requirement, or an outstanding warrant levied by order of a court.
 - (b) The suspension remains in effect until the division is notified by the court that the order has been satisfied.
 - (c) After clearance by the division, a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
 - (d) The provisions of Subsection (3)(c) do not apply to:
 - (i) a CDIP or CDL license holder; or
 - (ii) a violation that occurred in a commercial motor vehicle.
- (4)

- (a) The division shall make rules establishing a point system as provided for in this Subsection (4).
 - (b)
 - (i) The division shall assign a number of points to each type of moving traffic violation as a measure of its seriousness.
 - (ii) The points shall be based upon actual relationships between types of traffic violations and motor vehicle traffic accidents.
 - (iii) Except as provided in Subsection (4)(b)(iv), the division may not assess points against a person's driving record for a conviction of a traffic violation:
 - (A) that occurred in another state; and
 - (B) that was committed on or after July 1, 2011.
 - (iv) The provisions of Subsection (4)(b)(iii) do not apply to:
 - (A) a reckless or impaired driving violation or a speeding violation for exceeding the posted speed limit by 21 or more miles per hour; or
 - (B) an offense committed in another state which, if committed within Utah, would result in the mandatory suspension or revocation of a license upon conviction under Section 53-3-220.
 - (c) Every person convicted of a traffic violation shall have assessed against the person's driving record the number of points that the division has assigned to the type of violation of which the person has been convicted, except that the number of points assessed shall be decreased by 10% if on the abstract of the court record of the conviction the court has graded the severity of violation as minimum, and shall be increased by 10% if on the abstract the court has graded the severity of violation as maximum.
 - (d)
 - (i) A separate procedure for assessing points for speeding offenses shall be established by the division based upon the severity of the offense.
 - (ii) The severity of a speeding violation shall be graded as:
 - (A) "minimum" for exceeding the posted speed limit by up to 10 miles per hour;
 - (B) "intermediate" for exceeding the posted speed limit by from 11 to 20 miles per hour; and
 - (C) "maximum" for exceeding the posted speed limit by 21 or more miles per hour.
 - (iii) Consideration shall be made for assessment of no points on minimum speeding violations, except for speeding violations in school zones.
 - (e)
 - (i) Points assessed against a person's driving record shall be deleted for violations occurring before a time limit set by the division.
 - (ii) The time limit may not exceed three years.
 - (iii) The division may also delete points to reward violation-free driving for periods of time set by the division.
 - (f)
 - (i) By publication in two newspapers having general circulation throughout the state, the division shall give notice of the number of points it has assigned to each type of traffic violation, the time limit set by the division for the deletion of points, and the point level at which the division will generally take action to deny or suspend under this section.
 - (ii) The division may not change any of the information provided above regarding points without first giving new notice in the same manner.
- (5)
- (a)
 - (i) If the division finds that the license of a person should be denied, suspended, disqualified, or revoked under this section, the division shall immediately notify the licensee in a manner

specified by the division and afford the person an opportunity for a hearing in the county where the licensee resides.

- (ii) The hearing shall be documented, and the division or its authorized agent may administer oaths, may issue subpoenas for the attendance of witnesses and the production of relevant books and papers, and may require a reexamination of the licensee.
- (iii) One or more members of the division may conduct the hearing, and any decision made after a hearing before any number of the members of the division is as valid as if made after a hearing before the full membership of the division.
- (iv) After the hearing the division shall either rescind or affirm its decision to deny, suspend, disqualify, or revoke the license.
- (b) The denial, suspension, disqualification, or revocation of the license remains in effect pending qualifications determined by the division regarding a person:
 - (i) whose license has been denied or suspended following reexamination;
 - (ii) who is incompetent to drive a motor vehicle;
 - (iii) who is afflicted with mental or physical infirmities that might make him dangerous on the highways; or
 - (iv) who may not have the necessary knowledge or skill to drive a motor vehicle safely.
- (6)
 - (a) Subject to Subsection (6)(d), the division shall suspend a person's license when the division receives notice from the Office of Recovery Services that the Office of Recovery Services has ordered the suspension of the person's license.
 - (b) A suspension under Subsection (6)(a) shall remain in effect until the division receives notice from the Office of Recovery Services that the Office of Recovery Services has rescinded the order of suspension.
 - (c) After an order of suspension is rescinded under Subsection (6)(b), a report authorized by Section 53-3-104 may not contain any evidence of the suspension.
 - (d)
 - (i) If the division suspends a person's license under this Subsection (6), the division shall, upon application, issue a temporary limited driver license to the person if that person needs a driver license for employment, education, or child visitation.
 - (ii) The temporary limited driver license described in this section:
 - (A) shall provide that the person may operate a motor vehicle only for the purpose of driving to or from the person's place of employment, education, or child visitation;
 - (B) shall prohibit the person from driving a motor vehicle for any purpose other than a purpose described in Subsection (6)(d)(ii)(A); and
 - (C) shall expire 90 days after the day on which the temporary limited driver license is issued.
 - (iii)
 - (A) During the period beginning on the day on which a temporary limited driver license is issued under this Subsection (6), and ending on the day that the temporary limited driver license expires, the suspension described in this Subsection (6) only applies if the person who is suspended operates a motor vehicle for a purpose other than employment, education, or child visitation.
 - (B) Upon expiration of a temporary limited driver license described in this Subsection (6)(d):
 - (I) a suspension described in Subsection (6)(a) shall be in full effect until the division receives notice, under Subsection (6)(b), that the order of suspension is rescinded; and
 - (II) a person suspended under Subsection (6)(a) may not drive a motor vehicle for any reason.

- (iv) The division is not required to issue a limited driver license to a person under this Subsection (6)(d) if there are other legal grounds for the suspension of the person's driver license.
 - (v) The division shall make rules, in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to implement the provisions of this part.
- (7)
 - (a) The division may suspend or revoke the license of any resident of this state upon receiving notice of the conviction of that person in another state of an offense committed there that, if committed in this state, would be grounds for the suspension or revocation of a license.
 - (b) The division may, upon receiving a record of the conviction in this state of a nonresident driver of a motor vehicle or motorboat of any offense under the motor vehicle laws of this state, forward a certified copy of the record to the motor vehicle administrator in the state where the person convicted is a resident.
- (8)
 - (a) The division may suspend or revoke the license of any nonresident to drive a motor vehicle in this state for any cause for which the license of a resident driver may be suspended or revoked.
 - (b) Any nonresident who drives a motor vehicle upon a highway when the person's license has been suspended or revoked by the division is guilty of a class C misdemeanor.
- (9)
 - (a) The division may not deny or suspend the license of any person for a period of more than one year except:
 - (i) for failure to comply with the terms of a traffic citation under Subsection (2);
 - (ii) upon receipt of a second or subsequent order suspending juvenile driving privileges under Section 53-3-219;
 - (iii) when extending a denial or suspension upon receiving certain records or reports under Subsection 53-3-220(2);
 - (iv) for failure to give and maintain owner's or operator's security under Section 41-12a-411;
 - (v) when the division suspends the license under Subsection (6); or
 - (vi) when the division denies the license under Subsection (14).
 - (b) The division may suspend the license of a person under Subsection (2) until the person shows satisfactory evidence of compliance with the terms of the traffic citation.
- (10)
 - (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of any person without receiving a record of the person's conviction for a crime when the division has reason to believe that the person's license was granted by the division through error or fraud or that the necessary consent for the license has been withdrawn or is terminated.
 - (b) The procedure upon suspension is the same as under Subsection (5), except that after the hearing the division shall either rescind its order of suspension or cancel the license.
- (11)
 - (a) The division, having good cause to believe that a licensed driver is incompetent or otherwise not qualified to be licensed, may upon notice in a manner specified by the division of at least five days to the licensee require him to submit to an examination.
 - (b) Upon the conclusion of the examination the division may suspend or revoke the person's license, permit him to retain the license, or grant a license subject to a restriction imposed in accordance with Section 53-3-208.

- (c) Refusal or neglect of the licensee to submit to an examination is grounds for suspension or revocation of the licensee's license.

(12)

- (a) Except as provided in Subsection (12)(b), a report authorized by Section 53-3-104 may not contain any evidence of a conviction for speeding on an interstate system in this state if the conviction was for a speed of 10 miles per hour or less, above the posted speed limit and did not result in an accident, unless authorized in a manner specified by the division by the individual whose report is being requested.
- (b) The provisions of Subsection (12)(a) do not apply for:
 - (i) a CDIP or CDL license holder; or
 - (ii) a violation that occurred in a commercial motor vehicle.

(13)

- (a) By following the procedures in Title 63G, Chapter 4, Administrative Procedures Act, the division may suspend the license of a person if it has reason to believe that the person is the owner of a motor vehicle for which security is required under Title 41, Chapter 12a, Financial Responsibility of Motor Vehicle Owners and Operators Act, and has driven the motor vehicle or permitted it to be driven within this state without the security being in effect.
 - (b) The division may suspend a driving privilege card holder's driving privilege card if the division receives notification from the Motor Vehicle Division that:
 - (i) the driving privilege card holder is the registered owner of a vehicle; and
 - (ii) the driving privilege card holder's vehicle registration has been revoked under Subsection 41-1a-110(2)(a)(ii)(A).
 - (c) Section 41-12a-411 regarding the requirement of proof of owner's or operator's security applies to persons whose driving privileges are suspended under this Subsection (13).
- (14) The division may deny an individual's license if the person fails to comply with the requirement to downgrade the person's CDL to a class D license under Section 53-3-410.1.
- (15) The division may deny a person's class A, B, C, or D license if the person fails to comply with the requirement to have a K restriction removed from the person's license.
- (16) Any suspension or revocation of a person's license under this section also disqualifies any license issued to that person under Part 4, Uniform Commercial Driver License Act.

Amended by Chapter 52, 2015 General Session